

Message Text

CONFIDENTIAL POSS DUPE

PAGE 01 BELGRA 07361 01 OF 02 151429Z

11
ACTION EUR-12

INFO OCT-01 ISO-00 DHA-02 L-03 PM-04 NSC-05 SP-02 SS-15

CIAE-00 INR-07 NSAE-00 IO-13 /064 W
----- 104858

R 151140Z NOV 76
FM AMEMBASSY BELGRADE
TO SECSTATE WASHDC 8688

C O N F I D E N T I A L SECTION 1 OF 2 BELGRADE 7361

EO 11652: GDS
TAGS: SHUL MASS XT YO
SUBJ: DRAFT HUMAN RIGHTS OBSERVANCE REPORT ON YUGOSLAVIA

REF: STATE 267217

1. FOLLOWING IS THE TEXT OF THE SUBJECT REPORT
ENCOMPASSING OUR SUGGESTED REVISIONS AND AMENDMENTS.

2. I. POLITICAL SITUATION
THE SOCIALIST FEDERAL REPUBLIC OF YUGOSLAVIA IS
A COMMUNIST STATE, BUT HAS REMAINED INDEPENDENT OF THE
SOVIET UNION SINCE 1948. IN FOREIGN RELATIONS, YUGOSLAVIA
HAS BEEN A LEADING MEMBER OF THE NONALIGNED MOVEMENT
SINCE 1961. INTERNALLY, ALTHOUGH THE SIX REPUBLICS AND
TWO AUTONOMOUS PROVINCES OF THE YUGOSLAV FEDERATION POSSESS
A FAIR DEGREE OF AUTONOMY, THE LEAGUE OF COMMUNISTS OF
YUGOSLAVIA (LCY) IS THE PERVADING AUTHORITY. SINCE
1971, THE CENTRAL ROLE AND AUTHORITY OF THE LCY HAS BEEN
STRENGTHENED BY THE YUGOSLAV LEADERSHIP, UNDER 84 YEAR OLD
PRESIDENT TITO. THERE HAS ALSO BEEN AN INCREASE IN IDEOLOGICAL
DISCIPLINE AND POLICE ACTIVITY.

3. POLITICAL GROUPS IN OPPOSITION TO THE LCY ARE NOT
PERMITTED TO FUNCTION. OPPOSITION GROUPS OF VARYING HUE
HAVE BEEN ACTIVE AMONG EMIGRES, BUT RARELY WITHIN
YUGOSLAVIA. SOME OF THESE GROUPS ADVOCATE VIOLENCE AND
HAVE PERPETRATED ACTS OF TERRORISM IN YUGOSLAVIA AND
CONFIDENTIAL
CONFIDENTIAL

PAGE 02 BELGRA 07361 01 OF 02 151429Z

AGAINST YUGOSLAV OFFICIALS AND OFFICES ABROAD. THIS
HAS BEEN A MATTER OF GREAT CONCERN TO THE YUGOSLAV

GOVERNMENT.

4. II. LEGAL SITUATION

THE YUGOSLAV CONSTITUTION OF 1974 CONTAINS A BROAD RANGE OF INTERNATIONALLY RECOGNIZED HUMAN RIGHTS AND FREEDOMS. FOR EXAMPLE, ITS ARTICLES RECOGNIZE THE INVIOABILITY OF LIFE AND INDIVIDUAL LIBERTY, THE FREEDOMS OF MOVEMENT, PRESS, SPEECH AND ASSOCIATION AND OF HUMAN DIGNITY DURING TRIAL AND PUNISHMENT.

5. THE YUGOSLAV JUDICIAL SYSTEM IS PART OF THE CIVIL SERVICE RATHER THAN AN INDEPENDENT BRANCH OF GOVERNMENT.

6. THE MONOPOLY OF POLITICAL POWER HELD BY THE LCY ALLOWS IT TO EXERT A MAJOR INFLUENCE ON THE INTERPRETATION AND IMPLEMENTATION OF THE LAW. IN CASES INVOLVING POLITICAL CRIMES AND PERCEIVED THREATS TO INTERNAL STABILITY THE REGIME CAN AND REPORTEDLY DOES INFLUENCE THE COURSE OF JUSTICE.

7. III. OBSERVANCE OF INTERNATIONALLY RECOGNIZED HUMAN RIGHTS.

COMPARED WITH THAT OF THE WESTERN DEMOCRACIES, THE YUGOSLAV RECORD ON HUMAN RIGHTS IS WEAK. THE YUGOSLAV GOVERNMENT SYSTEMATICALLY VIOLATES CERTAIN RIGHTS, PARTICULARLY THOSE PERTAINING TO POLITICAL EXPRESSION. IT IS NOT A GROSS OFFENDER WITH RESPECT TO FORCEFUL VIOLATIONS OF THE PERSON.

A. INTEGRITY OF THE PERSON

ARTICLE 3: LIFE, LIBERTY AND THE SECURITY OF THE PERSON ARE OBSERVED IN YUGOSLAVIA TO THE EXTENT THAT YUGOSLAVS GO ABOUT THEIR PRIVATE AFFAIRS WITHOUT FEAR FOR THEIR LIVES OR SECURITY, UNLESS THEY RUN AFOUL OF AUTHORITIES IN POLITICAL CASES OR INSTANCES CONSIDERED BY THE AUTHORITIES TO INFRINGE ON "NATIONAL SECURITY".

ARTICLE 5: THERE HAVE BEEN REPORTS OF BEATING OF PRISONERS BY POLICE ALTHOUGH IT IS NOT SANCTIONED BY LAW. PURGED MAJOR POLITICAL FIGURES HAVE BEEN GENERALLY PENSIONED OFF. HOWEVER,
CONFIDENTIAL
CONFIDENTIAL

PAGE 03 BELGRA 07361 01 OF 02 151429Z

THOSE FOUND GUILTY OF POLITICAL OPPOSITION TO THE LEAGUE OF COMMUNISTS AND OF OPEN CRITICISM OF LEADERSHIP POLICIES, EVEN IN FOREIGN PUBLICATIONS OR WHILE LIVING ABROAD, ARE PUNISHED WITH PRISON SENTENCES.

CONFIDENTIAL

NNN

CONFIDENTIAL

PAGE 01 BELGRA 07361 02 OF 02 190756Z

11

ACTION EUR-12

INFO OCT-01 ISO-00 DHA-02 L-03 PM-04 NSC-05 SP-02 SS-15

CIAE-00 INR-07 NSAE-00 IO-13 /064 W

----- 041402

R 151140Z NOV 76

FM AMEMBASSY BELGRADE

TO SECSTATE WASHDC 8689

C O N F I D E N T I A L SECTION 2 OF 2 BELGRADE 7361

ARTICLE 8: YUGOSLAV CITIZENS HAVE ACCESS TO HE COURTS IF THEIR LEGALLY CONSTITUTED HUMAN RIGHTS ARE VIOLATED. COURT VERDICTS AND SENTENCES ARE SUBJECT TO CONFIRMATION BY HIGHER COURTS AND CAN BE APPEALED, BUT POLITICAL INFLUENCES DESCRIBED ABOVE LIMIT RIGHTS OF THE ACCUSED.

ARTICLE 9: NORMALLY ARRAIGNMENT QUICKLY FOLLOWS ARREST, BUT IN RARE CASES A SUSPECT CAN BE HELD FOR UP TO SIX MONTHS OR EVEN LONGER WITHOUT CHARGES. THIS ASPECT OF YUGOSLAV LAW DOES NOT APPEAR TO BE GENERALLY ABUSED. YUGOSLAVS ARE GENERALLY FREE FROM ARBITRARY ARRESTS ALTHOUGH LARGE NUMBERS OF SUSPECTS HAVE BEEN REPORTEDLY PICKED UP FOR QUESTIONING AFTER TERRORIST ACTS. EXILE IS NOT USED AS A PUNISHMENT.

ARTICLE 10: THE HEARING IS NORMALLY A PART OF THE TRIAL ITSELF; IMPARTIALITY PROBABLY VARIES WIDELY IN PRACTICE.

ARTICLE 11: THERE IS THE POSSIBILITY FOR ACQUITTAL IN THE MAJORITY OF NON-POLITICAL CASES, BUT EVEN IN NON-POLITICAL CASES RELATIVELY FEW BROUGHT TO TRIAL ARE ACQUITTED. THE ACCUSED HAS THE RIGHT OF COUNSEL AND YUGOSLAV LAWYERS HAVE OFTEN VIGOROUSLY DEFENDED THEIR CLIENTS. HOWEVER, THEY ARE SUBJECT TO RESTRICTIONS ON THE ARGUMENTS THEY CAN PUT FORWARD IN COURTS. IN ONE CASE, A DEFENSE ATTORNEY WAS HIMSELF CHARGED AND CONVICTED FOR STATEMENTS HE MADE IN COURT DEFENDING HIS CLIENT.

CONFIDENTIAL

CONFIDENTIAL

PAGE 02 BELGRA 07361 02 OF 02 190756Z

THERE HAVE ALSO BEEN CASES REPORTED IN WHICH THE AUTHORITIES
HAVE INFLUENCED TESTIMONY OF WITNESSES.

B. OTHER FREEDOMS.

THE PROHIBITIONS AGAINST DISCRIMINATION ARE STRONG.
A SLUR AGAINST ONE OF
YUGOSLAVIA'S NUMEROUS NATIONALITIES OR MINORITIES
CAN BE PUNISHED WITH A PRISON SENTENCE.
YUGOSLAVS MOVE FREELY WITHIN THEIR COUNTRY AND
WITH SOME EXCEPTIONS TRAVEL ABROAD AT WILL.
SOME DISSIDENTS, FOR EXAMPLE MILOVAN DJILAS, ARE DENIED
PASSPORTS. HOWEVER, HUNDREDS OF THOUSANDS OF
YUGOSLAV WORKERS ARE CURRENTLY WORKING
IN WESTERN EUROPE, AND EMIGRATION IS NOT DIFFICULT. YUGOSLAVIA
HAS A SEMI-SOCIALIST, SEMI-MARKET ECONOMY. PRIVATE BUSINESS AND
AGRICULTURE IS PERMITTED WITHIN STRICT LEGAL LIMITS OF SCALE

BUT PRIVATE OWNERSHIP IS SOMETIMES SUBJECTED TO CLOSE POLITICAL/
ADMINISTRATIVE SECURITY AND HARASSMENT.
WHILE THE CONSTITUTION STIPULATES RELIGIOUS
FREEDOM, RELIGIOUS ORGANIZATIONS MAY NOT ENGAGE
IN POLITICAL AND OTHER NON-RELIGIOUS ACTIVITIES
AS DEFINED BY THE GOVERNMENT AND THE LEAGUE OF
COMMUNISTS. CONSTRAINTS ARE IMPOSED ON
PROSELYTIZING ACTIVITIES AND RELIGIOUS EDUCATION.
THERE ARE STRONG RESTRICTIONS ON THE PUBLIC
EXPRESSION OF THOUGHTS

AND OPINIONS. CRITICISM OF GOVERNMENT POLICIES
MAY BE CONSIDERED HOSTILE PROPAGANDA, A PUNISHABLE
OFFENSE. THE ADVOCACY OF OPPOSITION POLITICAL
IDEAS IS NOT PERMITTED. THE PRESS, RADIO AND
TELEVISION ARE STRICTLY CONTROLLED BY THE GOVERN-
MENT AND THE LEAGUE OF COMMUNISTS. WESTERN
PUBLICATIONS ARE IMPORTED AND SOLD OPENLY IN
YUGOSLAVIA; BUT THEY ARE LEGALLY
SUBJECT TO PRIOR CENSORSHIP. INDIVIDUAL ISSUES
ARE ON OCCASION BANNED OR CONFISCATED, ALBEIT
WITH VARYING DEGREES OF EFFECTIVENESS. WESTERN
RADIO PROGRAMS ARE READILY ACCESSIBLE, AND THERE
IS NO JAMMING. YUGOSLAV TELEVISION CARRIES A
CONFIDENTIAL

CONFIDENTIAL

PAGE 03 BELGRA 07361 02 OF 02 190756Z

NUMBER OF NON-POLITICAL WESTERN PROGRAMS, AND A
LARGE NUMBER OF WESTERN FEATURE FILMS ARE SHOWN
IN LOCAL CINEMAS.
NO POLITICAL GATHERINGS ARE PERMITTED EXCEPT ON
THE AUTHORITY OF OFFICIAL BODIES.

8. IV. OTHER HUMAN RIGHTS REPORTING.

AMNESTY INTERNATIONAL'S 1974-75 ANNUAL REPORT

NOTED THAT THE PUNISHMENT OF VARIOUS DISSIDENTS HAD MARKEDLY INCREASED SINCE 1974, REFLECTING THE TREND OF TIGHTER SECURITY. THE REPORT REFERRED TO A NOTICEABLE EFFORT TO RE-ESTABLISH POLITICAL AND IDEOLOGICAL DISCIPLINE AND DISCUSSED SEVERAL CASES IN WHICH AMNESTY INTERNATIONAL WAS INTERESTED AND HAD TAKEN ACTION.

FREEDOM HOUSE PLACES YUGOSLAVIA IN THE "NOT FREE" CATEGORY.

SWEITZER

CONFIDENTIAL

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: REPORTS, HUMAN RIGHTS, POLITICAL SITUATION
Control Number: n/a
Copy: SINGLE
Draft Date: 15 NOV 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: ellisoob
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976BELGRA07361
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D760431-0777
From: BELGRADE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t19761146/aaaabnnz.tel
Line Count: 234
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION EUR
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 5
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 76 STATE 267217
Review Action: RELEASED, APPROVED
Review Authority: ellisoob
Review Comment: n/a
Review Content Flags:
Review Date: 21 MAY 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <21 MAY 2004 by GarlanWA>; APPROVED <09 SEP 2004 by ellisoob>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: DRAFT HUMAN RIGHTS OBSERVANCE REPORT ON YUGOSLAVIA
TAGS: SHUM, MASS, XT, YO
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006